

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Timothy G. Laske et al.	Examiner:	M. Bockelman
Serial No.	10/821,451	Group Art:	3766
Filing Date:	April 9, 2004	Docket No.:	P8555.00
Title:	VARIABLE EGM FILTERING AND FIXATION PREDICTION		

RESPONSE TO RESTRICTION REQUIREMENT

MAIL STOP AMENDMENT
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REMARKS

Please consider the following remarks to be fully responsive to the Office Action of May 4, 2006.

Claims 1-6, which have already been examined, were subjected to a restriction requirement. Applicants respectfully traverse. There is clearly **no burden** on the Examiner to continue the examination of **six (6)** claims having been already examined. Further, Applicants have already established patentability in the previous response over the art of record. Applicants respectfully request the withdrawal of this restriction requirement and continued examination on the merits.

As applicants are required to respond, regardless of the merits of the restriction, claims 1-3 are elected. Applicants further assert that the classification assigned by the Examiner is arbitrary. Both sets of method claims are directed to a method of adjusting an IMD pacemaker. Further selection of elements to focus on in isolation by the Examiner to "support" this restriction arbitrarily, artificially,

incorrectly and inappropriately characterizes the claims in a manner not set forth by the applicants. As such, all noted claims should be examined.

Applicants respectfully requests favorable action on the merits. Should any issues remain outstanding, the Examiner is urged to telephone the undersigned.

Respectfully submitted,

May 18, 2006
Date

/Daniel G. Chapik/
Daniel G. Chapik
Reg. No. 43,424
(763) 514-3066
Customer No. 27581